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Notice of Allowability	Application No.	Applicant(s)	
	09/448,868	NI ET AL.	
	Examiner	Art Unit	
	Claire M. Kaufman	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendments filed 2/26/02 and 6/28/02 and phone interview for Ex's Amd't of 7/11/02*.
2. ☒ The allowed claim(s) is/are *84-97,100-113,116-131,134-149,152-171,174-187,190-205,209-229,232-241,243-246 and 248*.
3. ☒ The drawings filed on *26 February 2002* are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
   (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No. ____.
   (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
   (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1☐ Notice of References Cited (PTO-892)
2☐ Notice of Informal Patent Application (PTO-152)
3☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
4☐ Interview Summary (PTO-413), Paper No.____ .
5☐ Information Disclosure Statements (PTO-1449), Paper No. ____.
6☒ Examiner's Amendment/Comment
7☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
8☐ Examiner's Statement of Reasons for Allowance
9☐ Other .

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elizabeth J. Haanes on 7/11/02.

The application has been amended as follows:

Cancel claims 237, 242 and 247.

In claims 154, 157, 210 and 213, line 2, replace "15-30" with –15--.

In claims 153, 156 and 209, line 3, replace "epitope", with --epitope-bearing polypeptide fragment--.

In claims 154, 157, 210, 212, 213, line 2, replace "epitope", with --epitope-bearing polypeptide fragment--.

In claims 174, 190 and 208, last line, replace "fragment" with --or fragment thereof--.

Please replace claims 96, 112, 117, 130, 148, 170, 186, 191, 204, and 228 with the following Clean Version:

96. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 84 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

112. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 101 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

117. (Amended) An isolated antibody or fragment thereof obtained from an animal that has been immunized with a polypeptide consisting of amino acids 24-238 of SEQ ID NO:2, wherein said antibody or fragment thereof specifically binds said polypeptide.

130. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 117 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

148. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 135 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

170. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 159 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

186. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 175 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

191. (Amended) An isolated antibody or fragment thereof obtained from an animal that has been immunized with the extracellular domain of the polypeptide encoded by the cDNA contained in ATCC Deposit No. 97853, wherein said antibody or fragment thereof specifically binds said polypeptide.

204. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 191 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

228. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 215 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting said complex in the biological sample, thereby detecting said DR4 protein.

Marked-up Versions:

96. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 84 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

112. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 101 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

117. (Amended) An isolated antibody or fragment thereof obtained from an animal that has been immunized with a polypeptide consisting of amino acids 24-238 of SEQ ID NO:2, wherein said antibody or fragment thereof specifically binds said polypeptide.

130. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 117 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

148. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 135 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

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b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

170. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 159 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

186. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 175 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

191. (Amended) An isolated antibody or fragment thereof obtained from an animal that has been immunized with the extracellular domain of the polypeptide encoded by the cDNA contained in ATCC Deposit No. 97853, wherein said antibody or fragment thereof specifically binds said polypeptide.

204. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

a) contacting the biological sample with the antibody or fragment thereof of claim 191 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

228. (Amended) A method of detecting a DR4 protein in a biological sample comprising:

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a) contacting the biological sample with the antibody or fragment thereof of claim 215 under conditions allowing formation of a complex between said antibody or fragment thereof and said DR4 protein; and

b) detecting [the DR4 protein] said complex in the biological sample, thereby detecting said DR4 protein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire M. Kaufman, whose telephone number is (703) 305-5791. Dr. Kaufman can generally be reached Monday through Thursday from 8:30AM to 12:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached at (703) 308-6564.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. NOTE: If applicant *does* submit a paper by fax, the original signed copy should be retained by the applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office. **Please** advise the examiner at the telephone number above before facsimile transmission.

Claire M. Kaufman, Ph.D.
Patent Examiner, Art Unit 1646
July 12, 2002

Lorraine Spector

LORRAINE SPECTOR
PRIMARY EXAMINER

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